

**MEMORANDUM**

TO: County Council

FROM: Kathleen Boucher, Senior Legislative Attorney **KWB**  
Amanda Mihill, Legislative Analyst

SUBJECT: **Introduction:** Bill 29-07, Environmental Sustainability – Climate Protection – Motor Vehicles

Bill 29-07, Environmental Sustainability – Climate Protection – Motor Vehicles, sponsored by Councilmembers Berliner, Ervin, Elrich and Floreen, is scheduled to be introduced on November 20, 2007. A public hearing is tentatively scheduled for January 17, 2008 at 7:30 p.m. The bill:

- Requires County vehicles with diesel engines to use B20 biodiesel fuel;
- Requires the Department of Public Works and Transportation (DPWT) to conduct an annual inventory of sport utility vehicles in the County fleet and eliminate or replace any sport utility vehicle for which a more fuel-efficient vehicle could reasonably and satisfactorily perform the required function;
- Requires the Director of DPWT to ensure that the County fleet meets certain fuel efficiency standards by January 1, 2012;
- Requires Director of DPWT to evaluate the costs and benefits of creating a car share program for the purpose of reducing the number of motor vehicles in the County fleet and dependence of County residents and businesses on motor vehicle ownership;
- Requires fuel retailers to sell low carbon fuel within 1 year after the Director of the Department of Environmental Protection finds that the fuel is widely available in the County; and
- Requires the Director of the Department of Human Resources to prepare a Telecommuting Action Plan.

This packet contains:

Bill 29-07  
Legislative Request Report

Circle #

1  
12

Bill No. 29-07  
Concerning: Environmental Sustainability  
              - Climate Protection - Motor Vehicles  
Revised: 11/16/07 Draft No. 7  
Introduced: November 20, 2007  
Expires: May 20, 2009  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## **COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Berliner, Ervin, Elrich, and Floreen

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**AN ACT to:**

- (1) require certain County vehicles to use biodiesel fuel;
- (2) require the Director of the Department of Public Works and Transportation to conduct an annual inventory of sport utility vehicles in the County fleet;
- (3) require the Director of the Department of Public Works and Transportation to ensure that the County fleet meets certain fuel efficiency standards by a certain date;
- (4) require the Director of the Department of Public Works and Transportation to evaluate the costs and benefits of creating a car share program;
- (5) require certain fuel retailers to sell low carbon fuel within a certain time after the Director of the Department of Environmental Protection finds that the fuel is widely available in the County;
- (6) require the Director of the Department of Human Resources to prepare a Telecommuting Action Plan;
- (7) make stylistic changes; and
- (8) generally amend the law relating to energy, environmental policy, and motor vehicles.

By amending

Montgomery County Code  
Chapter 18A, Energy Policy  
Sections 18A-1, 18A-5, 18A-8, and 18A-10

By adding

Montgomery County Code  
Chapter 18A, Energy Policy  
Article II. Climate Protection – Motor Vehicles – County Fleet

By adding

Montgomery County Code  
Chapter 18A, Energy Policy  
Article III. Climate Protection – Motor Vehicles – Private Sector

By adding

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Section 33-24

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1       **Sec. 1. The title to Chapter 18A and Section 18A-1, Section 18A-5,**  
2       **Section 18A-8 and Section 18A-10 are amended as follows:**

3                   **Chapter 18A. [ENERGY POLICY] ENVIRONMENTAL**  
4                               **SUSTAINABILITY.**

5                               **Article I. Energy.**

6       **18A-1. Findings and statement of purpose.**

7           **(a)** In the interest of maintaining an adequate and reliable energy supply at  
8           reasonable cost, the County government recognizes the need to  
9           institutionalize through legislation an energy policy and energy planning  
10          program. In addition, the efficient use of energy directly benefits air  
11          quality, demonstrating the linkages necessary to achieve essential  
12          environmental goals. For this reason, the responsibilities of the  
13          Advisory Committee on Energy Conservation are expanded to include  
14          an advisory function with respect to air quality.

15          **(b)** The intent of this [Chapter] Article is to provide the initiative for  
16          County government to address energy issues and plan for a future which  
17          may be energy resource-constrained. It establishes the means to  
18          formulate ongoing policies, plans, programs and activities designed to  
19          foster energy conservation and to promote cost-effective alternatives to  
20          existing sources of energy and patterns of energy consumption while  
21          maintaining efforts to meet environmental goals.

22          **(c)** This [Chapter] Article is intended to serve as a vehicle for the  
23          promotion of energy consciousness throughout all segments of the  
24          community and for the development and implementation of immediate  
25          and long-range cooperative energy planning efforts in both the public  
26          and private sectors.

**18A-5. Energy and Air Quality Advisory Committee; establishment; terms of office; ex-officio members; etc.**

- (a) There is hereby established an Advisory Committee on Energy and Air Quality[, hereinafter referred to as the Committee,] to assist the County Council and the County Executive in carrying out the purposes of this [Chapter] Article and Chapter 3. The Committee consists of 15 members appointed by the County Executive, subject to confirmation by the County Council. One member must be designated by the Executive and confirmed by the Council to serve as chair of the Committee. [Appointees] Each appointee must be [citizens] a resident of the County who [are] is technically knowledgeable and interested in energy and air quality.

\* \* \*

**18A-8. Duties and responsibilities.**

The Committee has the following duties:

- (a) Advise the County Executive and the County Council of the activities of the Committee in furthering the goals of this [Chapter] Article and Chapter 3;

\* \* \*

- (f) Carry out [such other] duties [as may be] assigned from time to time by the County Executive and the County Council to assist in fulfilling the purposes of this [Chapter] Article.

**18A-10. Administrative arrangements; support and organizational duties and functions of County government.**

- (a) The County Executive must designate a senior officer or employee of the executive branch of County government to provide executive

direction to the performance of the functions and responsibilities delineated in this [Chapter] Article and to report annually to the Executive and Council on the activities undertaken to further the goals of this [Chapter] Article.

- (b) The County Executive may also establish [such] organizational and administrative arrangements as appropriate to promote the policies and purposes of this [Chapter] Article, including the following functions:

\* \* \*

**Sec. 2. Chapter 18A is amended by adding Article II as follows:**

**Article II. Climate Protection – Motor Vehicles – County Fleet.**

**18A-12. Definitions.**

In this Article, the following words have the meanings indicated:

“ASTM” means the American Society for Testing and Materials.

“B20” means a biodiesel blend of 20% biodiesel and 80% petroleum diesel fuels.

“Biodiesel” means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats which conform to ASTM D6751 specifications for use in diesel engines.

“Biodiesel blend” means a blend of biodiesel fuel meeting the requirements of ASTM D6751, designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend.

“Car share program” means a program that allows County employees to conduct County business using motor vehicles which:

- (1) Are owned or leased by the County; and
- (2) County residents and businesses can lease when they are not being used for County business.

"County fleet" means all passenger vehicles and light trucks owned or leased by the County.

"County vehicle" means any motor vehicle owned or leased by the County.

"Department" means the Department of Public Works and Transportation.

"Diesel fuel" means a distillate fuel for use in diesel engines.

"Director" means the Director of the Department or the Director's designee.

"Fuel economy" means the federal Environmental Protection Agency's combined (city and highway) fuel economy estimate for a vehicle.

"Light truck" means a motor vehicle with a gross vehicle weight of less than 8,500 pounds which is:

- (1) Designed primarily for transporting property;
- (2) Designed primarily for transporting persons and has a capacity of more than 12 persons; or
- (3) Available with special features that enable off-road operation or use.

"Miles per gallon" means the distance traveled in a vehicle powered by one gallon of fuel.

"Passenger vehicle" means a motor vehicle, except a light truck or motorcycle, designed to carry no more than 12 persons.

"Public safety vehicle" means a motor vehicle whose primary purpose is patrol, transport, emergency response, or another purpose that requires specialized equipment or capabilities, which is used by:

- (1) The Department of Police;
- (2) The Fire and Rescue Service;
- (3) The Department of Correction and Rehabilitation; or
- (4) Any other County department or agency.

**18B-13. Biodiesel fuel standards.**

(a) Standard. A County vehicle with a diesel engine must use a biodiesel blend of B20 or higher unless the Director finds that there is a compelling reason to use:

(1) A different biodiesel blend; or

(2) Another fuel that achieves greater greenhouse gas reductions.

(b) Applicability. This Section does not apply to any County vehicle for which mechanical failure due to use of biodiesel fuel would void the manufacturer's warranty for that vehicle.

**18A-14. Sport utility vehicles.**

The Director must conduct an annual inventory of the County's sport utility vehicles and:

(a) Identify the function that each sport utility vehicle performs;

(b) Identify the most fuel-efficient type of vehicle that could reasonably and satisfactorily perform the function that each sport utility vehicle performs; and

(c) Eliminate or replace any sport utility vehicle for which a more fuel-efficient vehicle could reasonably and satisfactorily perform the identified function.

**18A-15. Fuel economy standards.**

(a) Standards. The Director must ensure that the County fleet meets the following fuel economy standards by January 1, 2012:

(1) For passenger vehicles, the fleet average fuel economy must be at least 44 miles per gallon; and

(2) For light trucks, the fleet average fuel economy must be at least 33 miles per gallon.



(b) Applicability. This Section does not apply to public safety vehicles.

**18A-16. Car share program.**

(a) Costs and benefits. The Director must evaluate the costs and benefits of creating a car share program for the purpose of reducing the:

(1) Number of motor vehicles in the County fleet; and

(2) Dependence of County residents and businesses on motor vehicle ownership.

(b) Factors to consider. The Director must consider whether:

(1) A car share program will help:

(A) Reduce traffic;

(B) Increase transit use;

(C) Promote walking and biking;

(D) Reduce carbon emissions;

(E) Improve air quality; and

(F) Reduce demand for parking; and

(2) The County should partner with a private entity to develop a car share program.

(c) Report. The Director must submit a report to the County Executive and County Council by July 1, 2008 that includes:

(1) Findings regarding the costs and benefits of a car share program; and

(2) Recommendations as to:

(A) Whether the County should create a car share program; and

(B) The type of car share program that best suits the County's needs.

**18A-17. Annual report.**

By September 1 each year, the Director must submit to the County Executive and County Council a report on the:

- (a) Use of biodiesel in County vehicles, including the quantity, blend, price per gallon, and average fuel consumption;
- (b) Results of the inventory of sport utility vehicles conducted under Section 18A-14; and
- (c) Average fuel economy for passenger vehicles and light trucks in the County fleet.

**Sec. 3. Chapter 18A is amended by adding Article III as follows:**

**Article III. Climate Protection - Motor Vehicles - Private Sector**

**18A-20. Low carbon fuel.**

- (a) Definitions. In this Section, the following words have the meanings indicated:

“Average carbon intensity” means a measurement of a fuel’s adverse impact on the global climate, taking into account the fuel lifecycle, which is measured in grams of carbon dioxide equivalent per megajoule of energy in the fuel (gCO<sub>2</sub>e/MJ).

“Director” means the Director of the Department of Environmental Protection or the Director’s designee.

“Fuel lifecycle” means the energy required to produce and use a fuel, including the extraction of raw materials, processing, refinement, distribution, and combustion.

“Fuel retailer” means a person that sells transportation fuel in the retail market.

"Low carbon fuel" means a transportation fuel with lower average carbon intensity than gasoline.

(b) Director's responsibilities. The Director must identify and evaluate available and emerging transportation fuels to determine whether each fuel is:

(1) A low carbon fuel; and

(2) Widely available to fuel retailers in the County.

(c) Average carbon intensity. In evaluating whether a transportation fuel is a low carbon fuel, the Department may rely on:

(1) The federal Environmental Protection Agency's findings regarding average carbon intensity; or

(2) Any other nationally recognized assessment of the fuel's average carbon intensity.

(d) Certification. If the Director finds that a low carbon fuel is widely available to fuel retailers in the County, the Director must certify that the fuel is widely available.

(e) Sale of low carbon fuel. If the Director certifies that a low carbon fuel is widely available, a fuel retailer must offer the certified fuel for sale to the public within 1 year after the Director certifies that the fuel is widely available.

(f) Regulations. The County Executive must adopt regulations under method (2) to administer this Section, including regulations that specify procedures for certifying low carbon fuels.

**Sec. 4. Chapter 33 is amended by adding Section 33-24 as follows:**

**33-24. Telecommuting.**

(a) Definitions. In this Section, the following words have the meanings indicated:

"Director" means the Director of the Department of Human Resources or the Director's designee.

"Telecommute" means a work arrangement in which some or all of the work is performed at an alternative work site such as a home or office space near a home.

(b) Telecommuting Action Plan. The Director must prepare a Telecommuting Action Plan that sets out a plan for increasing the number of County employees who telecommute.

(c) Contents. The Telecommuting Action Plan must:

(1) set numerical goals for the number of County employees who telecommute;

(2) identify the circumstances under which a County employee may telecommute; and

(3) identify procedures that a County employee must follow to obtain permission to telecommute.

(d) Annual report. The Director must report to the County Executive and County Council by September 1 of each year on the actions taken in the preceding fiscal year to implement the Telecommuting Action Plan.

*Approved:*

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Marilyn J. Praisner, President, County Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 29-07

*Environmental Sustainability – Climate Protection – Motor Vehicles*

<b>DESCRIPTION:</b>	Requires certain County vehicles to use biodiesel fuel, requires the Department of Public Works and Transportation (DPWT) to conduct an annual inventory of sport utility vehicles in the County, requires DPWT to evaluate the costs and benefits of creating a car share program, requires certain fuel retailers to sell low carbon fuel within a certain time after the Department of Environmental Protection finds that the fuel is widely available in the County, and requires the Department of Human Resources to prepare a Telecommuting Action Plan.
<b>PROBLEM:</b>	The consumption of gasoline and diesel fuel in vehicles is a significant contributor to carbon emissions. Transportation fuels are increasingly being made available which would substantially reduce carbon emissions. However, the County does not currently have a comprehensive plan to reduce carbon emissions resulting from vehicle use.
<b>GOALS AND OBJECTIVES:</b>	These measures are designed to reduce carbon emission emitted in the County.
<b>COORDINATION:</b>	Department of Public Works and Transportation, Department of Environmental Protection, and Department of Human Resources.
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Kathleen Boucher, Senior Legislative Attorney (240) 777-7940 Amanda Mihill, Legislative Analyst (240) 777-7815
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	To be researched.
<b>PENALTIES:</b>	Class A violation.